



UNITED STATES PATENT AND TRADEMARK OFFICE

54
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/134,270	08/14/1998	TAKASHI TSURUMOTO	SONYJP-3.0-0	7799

530 7590 04/20/2005

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/134,270

Applicant(s)

TSURUMOTO, TAKASHI

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 13-47 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,686,954 to Yoshinobu in view of U.S. Patent 5,826,031 to Nielsen.

Regarding claims 13 and 37, Yoshinobu discloses a method of transmitting information, comprising:

Forming a first bit stream 23 that including a first data table (figure 2) that includes a first on screen display message (Figure 1b, index data stream in the index channel with packet 23 acting as the first bitstream as it has its own header, column 9, lines 3-16, 36-63, column 10, lines 2-60, figure 2, the on screen display data is broadcasting time)

Forming a second bit stream 24 which includes a second data table (figures 3-8) that includes at least one index (figures 3-8) that refers to a location of the first on

Art Unit: 2611

screen display message (ID 37) within the first data table (figures 1C,2, column 9, line 66-column 10, line 60, column 11, line 35-column 12, line 35, packet 24 acts as the second bitstream with a separate packet header and includes title, category, subtitle, performers information) and that includes a second on screen display message which is readable independent of the first bit stream (figure 16b, performer data corresponding to list data 35 from figure 1C, column 21, lines 5-42)

Transmitting the first and second bitstreams (column8, lines 38-41).

Yoshinobu fails to disclose a second on screen display message having a higher priority than the first on screen display message.

In an analogous art, Nielsen discloses a method (figure 7) for displaying on screen messages (column 1, lines 43-45, text, graphics) based on priority (column 3, lines 7-29) an index filed is retrieved, and determines a priority setting for a number of on screen display messages based on a priority value (column 6, lines 12-27 this priority value is used to sort the on screen display objects in an descending priority order (figure 7, step 703, column 7, lines 27-34), the objects are then retrieved and displayed based on that priority order (step 705, column 7, lines 34-39), thus displaying the most important information for a user to act on first (column 3, lines 17-23).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Yoshinobu to determine a message priority as taught by Nielsen, thus displaying the most important information for a user to act on first.

Regarding claims 14 and 26, Yoshinobu discloses that the second on screen message contains a category attribute (column 12, lines 59-67).

Regarding claims 15 and 27, Yoshinobu discloses that the first data table (figure 2) includes a plurality of sections (program ID51,) and the index (left most table, channel 1-n) references to at least one of the sections (program ID 51).

Regarding claims 16 and 28, Yoshinobu discloses in figure 2, that the plurality of sections includes a plurality of messages (start time 53, end time 54).

Regarding claims 17 and 29, Yoshinobu discloses that the second data tables (figures 3-8) includes a plurality of indexes, each identifying corresponding to one of the plurality of sections within the first data table (column 12, lines 20-36, refers to ID 37, and each kind of items described in 55/64 of figure 2).

Regarding claims 18 and 30, Yoshinobu discloses that the information in the second data table includes an attribute of the first on screen display message (ID 37, and corresponding title/category information, column 12, lines 27-51).

Regarding claims 19, 31, 40 and 43, Yoshinobu disclose sin figure 15, an on screen program guide.

Yoshinobu fails to disclose determining if a message is an urgent message, and displaying an urgent message before a first message.

In an analogous art, Nielsen discloses a method (figure 7) for displaying on screen messages (column 1, lines 43-45, text, graphics) based on priority (column 3, lines 7-29) an index filed is retrieved, and determines a priority setting for a number of on screen display messages based on a priority value (column 6, lines 12-27 this priority value is used to sort the on screen display objects in an descending priority order (figure 7, step 703, column 7, lines 27-34), the objects are then retrieved and displayed based on that priority order (step 705, column 7, lines 34-39), thus displaying the most important information for a user to act on first (column 3, lines 17-23).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Yoshinobu to determine a message priority as taught by Nielsen, thus displaying the most important information for a user to act on first.

Regarding claim 20 and 32, Yoshinobu discloses in figure 2, that the first bitstream includes another data table having at least another data table (channel 2's corresponding information table) which refers to a location of another on screen display message within the first data table (start time 53, end time 54).

Regarding claims 21, 24, 33, and 36, Yoshinobu discloses a satellite reception system in figure 10, that transmits programming and data as MPEG streams (column 13, lines 44-65, column 14, lines 36-67).

Yoshinobu does not disclose the use of 3 transponders which carry the corresponding bitstreams.

The examiner takes official notice that transmitting MPEG PID formatted bitstreams over separate transponders is notoriously well known in the art. PID formatted data allows for a plurality of different types of data and streams of data to be transmitted in the same frequency, thus maximizing the use of available bandwidth and reducing latency.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Yoshinobu to transmit the bitstreams over corresponding transponders, thus maximizing the use of available bandwidth and reducing latency.

Regarding claims 22 and 34, Yoshinobu discloses a third bit stream (figure 1c, 34, each box indicates a separate packet, column 8, lines 39-41), having one index (figure 6) which refers to the location of an associate on screen display message within the first data table (HTB 005, which refers to the ID for the first onscreen display message in figure 2).

Regarding claims 23 and 35, Yoshinobu discloses the second and third indices refer to a common on screen display message in the first data table (column 12, lines 13-27, each of figures 3-8 refers to a corresponding program in figure 2 and provides the information for each entry).

Art Unit: 2611

Regarding claim 25, Yoshinobu discloses an apparatus for receiving information (figure 10, satellite receiver, column 12, lines 44-65, column 14, lines 37-46, 61-67), comprising:

Forming a first bit stream 23 that including a first data table (figure 2) that includes a first on screen display message (Figure 1b, index data stream in the index channel with packet 23 acting as the first bitstream as it has its own header, column 9, lines 3-16, 36-63 , column 10, lines 2-60, figure 2, the on screen display data is broadcasting time)

Forming a second bit stream 24 which includes a second data table (figures 3-8) that includes at least one index (figures 3-8) that refers to a location of the first on screen display message (ID 37) within the first data table (figures 1C,2, column 9, line 66-column 10, line 60, column 11, line 35-column 12, line 35, packet 24 acts as the second bitstream with a separate packet header and includes title, category, subtitle, performers information) and that includes a second on screen display message which is readable independent of the first bit stream (figure 16b, performer data corresponding to list data 35 from figure 1C, column 21, lines 5-42)

Transmitting the first and second bitstreams (column8, lines 38-41).

Yoshinobu inherently makes use of an encoder to format a bitstream, as Yoshinobu discloses receiving data packets, and an encoder is required to format data packets so that the receiver may be able to decode the data.

Art Unit: 2611

Yoshinobu fails to disclose a second on screen display message having a higher priority than the first on screen display message, and the use of a first and second encoder.

In an analogous art, Nielsen discloses a method (figure 7) for displaying on screen messages (column 1, lines 43-45, text, graphics) based on priority (column 3, lines 7-29) an index filed is retrieved, and determines a priority setting for a number of on screen display messages based on a priority value (column 6, lines 12-27 this priority value is used to sort the on screen display objects in an descending priority order (figure 7, step 703, column 7, lines 27-34), the objects are then retrieved and displayed based on that priority order (step 705, column 7, lines 34-39), a user device may connect to a server to retrieve multiple message objects in parallel from the same server (column 7, lines 27-39, column 7, lines 4-57, as multiple messages are retrieved from the same server at the same time, the server must make use of multiple encoders to encode and transmit the messages to the user) thus displaying the most important information for a user to act on first (column 3, lines 17-23), and speeding up delivery of data to a user.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Yoshinobu to determine a message priority, and make use of multiple encoders as taught by Nielsen, thus displaying the most important information for a user to act on first and speeding up delivery of data to a user.

Regarding claims 38 and 44, Yoshinobu discloses a method of receiving transmitted information information, comprising:

Receiving the first (23) and second (24) bitstreams (column 8, lines 38-41).

Forming from said first bit stream 23 a first data table (figure 2) that includes a first on screen display message (Figure 1b, index data stream in the index channel with packet 23 acting as the first bitstream as it has its own header, column 9, lines 3-16, 36-63, column 10, lines 2-60, figure 2, the on screen display data is broadcasting time)

Forming said second bit stream 24 a second data table (figures 3-8) that includes at least one index (figures 3-8) that refers to a location of the first on screen display message (ID 37) within the first data table (figures 1C,2, column 9, line 66-column 10, line 60, column 11, line 35-column 12, line 35, packet 24 acts as the second bitstream with a separate packet header and includes title, category, subtitle, performers information)

Reading the second on-screen display message in the second data table (user performs a search by category, a program is returned and locates the ID number, figure 18, column 26, lines 19-column 27, line 23),

Locating the first on screen display message in the first data table using the index stored in the second data table (the index ID number is utilized to locate the index shown in figure 2, column 26, lines 19-column 27, line 23)

Reading the first on screen display message (column 27, lines 4-11),

Providing notification of the second on screen display message (column 27, lines 12-24).

Yoshinobu fails to disclose determining that a second on screen display message has a higher priority than the first on screen display message.

In an analogous art, Nielsen discloses a method (figure 7) for displaying on screen messages (column 1, lines 43-45, text, graphics) based on priority (column 3, lines 7-29) an index filed is retrieved, and determines a priority setting for a number of on screen display messages based on a priority value (column 6, lines 12-27 this priority value is used to sort the on screen display objects in an descending priority order (figure 7, step 703, column 7, lines 27-34), the objects are then retrieved and displayed based on that priority order (step 705, column 7, lines 34-39), thus displaying the most important information for a user to act on first (column 3, lines 17-23).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Yoshinobu to determine a message priority as taught by Nielsen, thus displaying the most important information for a user to act on first.

Regarding claim 39, Yoshinobu discloses that the second on screen message contains a category attribute (column 12, lines 59-67).

Regarding claim 41, Yoshinobu discloses an apparatus for receiving transmitted information (figure 10) comprising:

A receiver operable to receive a first and second bitstream (column 8, lines 38-41, column 10, lines 43-53, column 14, lines 36-67),-

A processor 100 operable to forming (column 14, lines 36-66) from a first bit stream 23 that includes a first data table (figure 2) that includes a first on screen display message (Figure 1b, index data stream in the index channel with packet 23 acting as the first bitstream as it has its own header, column 9, lines 3-16, 36-63 , column 10, lines 2-60, figure 2, the on screen display data is broadcasting time)

The processor forms from a second bit stream 24 which includes a second data table (figures 3-8) that includes at least one index (figures 3-8) that refers to a location of the first on screen display message (ID 37) within the first data table (figures 1C,2, column 9; line 66-column 10, line 60, column 11, line 35-column 12, line 35, packet 24 acts as the second bitstream with a separate packet header and includes title, category, subtitle, performers information) and that includes a second on screen display message which is readable independent of the first bit stream (figure 16b, performer data corresponding to list data 35 from figure 1C, column 21, lines 5-42)

Transmitting the first and second bitstreams (column 8, lines 38-41).

Yoshinobu fails to disclose a second on screen display message having a higher priority than the first on screen display message.

In an analogous art, Nielsen discloses a method (figure 7) for displaying on screen messages (column 1, lines 43-45, text, graphics) based on priority (column 3, lines 7-29) an index filed is retrieved, and determines a priority setting for a number of on screen display messages based on a priority value (column 6, lines 12-27 this priority value is used to sort the on screen display objects in an descending priority order (figure 7, step 703, column 7, lines 27-34), the objects are then retrieved and

Art Unit: 2611

displayed based on that priority order (step 705, column 7, lines 34-39), thus displaying the most important information for a user to act on first (column 3, lines 17-23).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Yoshinobu to determine a message priority as taught by Nielsen, thus displaying the most important information for a user to act on first.

Regarding claim 42, Yoshinobu discloses that the second on screen message contains a category attribute (column 12, lines 59-67).

Regarding claims 45 and 47, Yoshinobu discloses a method of receiving transmitted information, comprising:

Forming from said first bit stream 23 a first data table (figure 2) that includes a first on screen display message (Figure 1b, index data stream in the index channel with packet 23 acting as the first bitstream as it has its own header, column 9, lines 3-16, 36-63 ; column 10, lines 2-60, figure 2, the on screen display data is broadcasting time)

Forming said second bit stream 24 a second data table (figures 3-8) that includes at least one index (figures 3-8) that refers to a location of the first on screen display message (ID 37) within the first data table (figures 1C,2, column 9, line 66-column 10, line 60, column 11, line 35-column 12, line 35, packet 24 acts as the second bitstream with a separate packet header and includes title, category, subtitle, performers information) ,

Transmitting and receiving the first (23) and second (24) bitstreams (column 8, lines 38-41),

Forming respective first and second tables from the first and second bitstreams (column 9, lines 3-16, 36-63, column 10, lines 2-60, column 11, line 35-column 12, line 35)

Reading the second on-screen display message in the second data table (user performs a search by category, a program is returned and locates the ID number, figure 18, column 26, lines 19-column 27, line 23),

Locating the first on screen display message in the first data table using the index stored in the second data table (the index ID number is utilized to locate the index shown in figure 2, column 26, lines 19-column 27, line 23)

Reading the first on screen display message (column 27, lines 4-11),

Providing notification of the second on screen display message (column 27, lines 12-24).

Yoshinobu fails to disclose determining that a second on screen display message has a higher priority than the first on screen display message.

In an analogous art, Nielsen discloses a method (figure 7) for displaying on screen messages (column 1, lines 43-45, text, graphics) based on priority (column 3, lines 7-29) an index filed is retrieved, and determines a priority setting for a number of on screen display messages based on a priority value (column 6, lines 12-27 this priority value is used to sort the on screen display objects in an descending priority order (figure 7, step 703, column 7, lines 27-34), the objects are then retrieved and

Art Unit: 2611

displayed based on that priority order (step 705, column 7, lines 34-39), thus displaying the most important information for a user to act on first (column 3, lines 17-23).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Yoshinobu to determine a message priority as taught by Nielsen, thus displaying the most important information for a user to act on first.

Regarding claim 46, Yoshinobu discloses a system for delivery information, comprising:

A receiver operable to receive a first and second bitstream (column 8, lines 38-41, column 10, lines 43-53, column 14, lines 36-67),

A processor 100 operable to forming (column 14, lines 36-66) from a first bit stream 23 that includes a first data table (figure 2) that includes a first on screen display message (Figure 1b, index data stream in the index channel with packet 23 acting as the first bitstream as it has its own header, column 9, lines 3-16, 36-63, column 10, lines 2-60, figure 2, the on screen display data is broadcasting time)

The processor forms from a second bit stream 24 which includes a second data table (figures 3-8) that includes at least one index (figures 3-8) that refers to a location of the first on screen display message (ID 37) within the first data table (figures 1C,2, column 9, line 66-column 10, line 60, column 11, line 35-column 12, line 35, packet 24 acts as the second bitstream with a separate packet header and includes title, category, subtitle, performers information) and that includes a second on screen

Art Unit: 2611

display message which is readable independent of the first bit stream (figure 16b, performer data corresponding to list data 35 from figure 1C, column 21, lines 5-42)

Transmitting the first and second bitstreams (column 8, lines 38-41).

Yoshinobu inherently makes use of an encoder to format a bitstream, as Yoshinobu discloses receiving data packets, and an encoder is required to format data packets so that the receiver may be able to decode the data.

Yoshinobu fails to disclose a second on screen display message having a higher priority than the first on screen display message, and the use of a first and second encoder.

In an analogous art, Nielsen discloses a method (figure 7) for displaying on screen messages (column 1, lines 43-45, text, graphics) based on priority (column 3, lines 7-29) an index filed is retrieved, and determines a priority setting for a number of on screen display messages based on a priority value (column 6, lines 12-27 this priority value is used to sort the on screen display objects in an descending priority order (figure 7, step 703, column 7, lines 27-34), the objects are then retrieved and displayed based on that priority order (step 705, column 7, lines 34-39), a user device may connect to a server to retrieve multiple message objects in parallel from the same server (column 7, lines 27-39, column 7, lines 4-57, as multiple messages are retrieved from the same server at the same time, the server must make use of multiple encoders to encode and transmit the messages to the user) thus displaying the most important information for a user to act on first (column 3, lines 17-23), and speeding up delivery of data to a user.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Yoshinobu to determine a message priority, and make use of multiple encoders as taught by Nielsen, thus displaying the most important information for a user to act on first and speeding up delivery of data to a user.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,497,187 to Banker: In-Band/Out of Band Data Transmission Method and Apparatus for a Television System.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2611

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL


HAI TRAN
PRIMARY EXAMINER